



COMMUNITY DEVELOPMENT

DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MARCH 23, 2004

PRESENT: Acevedo, Benich, Engles, Escobar, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, Senior Planner (SP) Linder, and Minutes Clerk Johnson

Chair Mueller called the meeting to order at 7:01 p.m. by asking Bruce Tichinin to lead the Pledge of Allegiance to the flag.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

MARCH 9,
2004

COMMISSIONER ESCOBAR MOTIONED TO APPROVE THE MARCH 9, 2004 MINUTES, WITH THE FOLLOWING MODIFICATIONS:

Page 2, last sentence: 35, ~~not~~ 45

Page 5, paragraph 2: ...application, *asking if the program is available for the residents of Morgan Hill, and if so, would those residents be given priority for application?*

Page 6, paragraph 3 (motion) ~~TABLE~~ **CONTINUE**

Page 6, paragraph 4: *Commissioner Weston added that if any State or Federal funds are used, there seems to be a requirement for public entrance to the business.*

Page 6, paragraph 9 (motion) ~~TABLING~~ **CONTINUING**

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Page 11, paragraph 1: ...green belt area is located *from the City limits* to 3 – 4 miles north of the City.

Page 14, first paragraph: *SE Creer indicated that a left turn would be possible on Edmundson for traffic going into the project if that traffic was traveling eastward.*

Page 15, paragraph two: *insignificant*

Page 15, paragraph three (motion):**AS AMENDED: inclusion on Page 6 of the Mitigated Negative Declaration and Page 38, Item D of the Initial Study to indicate the possibility of needed traffic mitigated measures, though those measures were thought to be generally insignificant...**

Page 15, paragraph four: **THE PROJECT WILL BE SUBJECT TO REVIEW WITHIN SIX MONTH OF CONSTRUCTION TO REVIEW DRAINAGE AND NOISE ISSUES.**

Page 16, paragraph 9: **GENERAL**

Page 17, paragraph 7: 20% (Commissioner Lyle interjected the correct number is 25%)

Page 17, paragraph 4: *He noted that the revised resolution also corrects a wording error in Action 7.2. multifamily was changed to single family attached.*

Page 28, paragraph 1: **SET FORTH, AND THE FOLLOWING MODIFICATION** also correcting a wording error in Action 7.2: ~~multifamily~~ single family attached.

THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, LYLE, MUELLER; NOES: NONE ; ABSTAIN: WESTON; ABSENT: NONE.

OLD BUSINESS:

1) UP-04-01: CONCORD-MMS ENTERPRISE INC

A request for approval of a conditional use permit to allow a behavioral day facility for developmentally disabled adults in an existing industrial building located at 15005 Concord Circle at Vineyard Blvd. in an existing light industrial PUD (Established by Ordinance No. 336).

PM Rowe gave a brief staff report, noting this item had been continued from the last meeting because the staff was addressing issues of compatibility with the adjoining properties. Additionally, PM Rowe informed, the staff needs a clear idea of the business based on testimony at last meeting. Consequently, staff has asked the applicant for additional information which has not yet been received.

Commissioner Weston asked if the City Attorney has been asked about the concerns relating to the Americans with Disabilities Act? PM Rowe responded that Yes, the issue had been forwarded to that office.

Chair Mueller opened the public hearing. With no persons present indicating a wish to speak to the matter, **COMMISSIONERS ESCOBAR/WESTON MOTIONED TO TABLE THE PROPOSAL FOR A CONDITIONAL USE PERMIT TO ALLOW A BEHAVIORAL DAY FACILITY FOR DEVELOPMENTALLY DISABLED ADULTS IN AN EXISTING INDUSTRIAL BUILDING. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, LYLE, MUELLER. WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

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2. ZA-03-19: CITY OF MORGAN HILL-ZONING TEXT AMENDMENT/ COMMUNITY ACTIVITY SIGNS

A request to amend Title 18 of the Municipal Code to modify the sign code to allow for community activity signs and changeable copy signs for public and quasi-public uses.

PM Rowe reported that this item had been noticed for public hearing and anticipated resolution, but as in previous meetings from which the matter was continued, some additions and completion for review of the matter had not yet been finished. He said the City Attorney will review the items with the Planning Department staff, preparing a draft Ordinance for review, before the item is returned to the Commissioners.

Chair Mueller opened the public hearing. With no persons present indicating a wish to speak to the matter, **COMMISSIONERS ESCOBAR/WESTON MOTIONED TO TABLE THE MATTER OF AMENDING TITLE 18 OF THE MUNICIPAL CODE TO MODIFY THE SIGN CODE TO ALLOW FOR COMMUNITY ACTIVITY SIGNS AND CHANGEABLE COPY SIGNS FOR PUBLIC AND QUASI-PUBLIC USES. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

NEW BUSINESS:

3) ZA-04-01/ SD-04-01/ DA-04-01: TILTON- GLENROCK

A request to amend the precise development plan for the Capriano subdivision located on the west side of Hale Ave., south of Tilton Ave. The proposed amendment would allow for 107 single family detached homes. Also requested is the approval of a 69-lot subdivision map and development agreement for a 27-acre portion of the 67 acre Capriano project.

SP Linder presented the staff report, providing a brief history of this long-standing project. She noted this is the fourth amendment request since the project was first approved in 1997, with the last amendment having been completed in 2002. SP Linder provided an overview of the approved amendments and continued by calling attention to the staff report as she updated the Commissioners on the staff concerns regarding the current request relating to the prior agreed upon restrictions.

SP Linder also noted several staff concerns in the request, including:

Modified set-backs [described as a premature request ('asking to use the modified setback for units that would be constructed beyond the time units of the ordinance)]

Lot layout

Number of single story residences

The violation of four of the nine restrictions

Phasing request (prohibited by the Ordinance)

'Switching' the BMRs to the R-2 zoning exclusively

Increased sizes (square footage) of the moderate rate units

(proposed) Elimination of the day-care center

Potential loss of one-point (narrowly granted to the application under Measure P)

Problems: the proposed phasing 'jumps around', BMRs moved to different phases, and the need for clear identification of the BMR unit placement and the sizes of the moderate/affordable units

Commissioner Benich said that he had concerns if the applicant is requesting to eliminate day care.

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Commissioner Lyle clarified the staff concerns regarding Open Space recalculations and the fact that if the whole pattern has changed due to a developer proposal for reconfiguration, and the original points had been given at 19.81% building coverage which could now (if recalculations accurate) go to 20 percent coverage and therefore a point would be lost.

Commissioner Acevedo turned to the issue of attached/detached units, saying, "I think the primary reason for coming to us on the issue of insurance was because of a crisis. Now it seems that there is a suggestion that there is not a crisis, or the Ordinance says so. Does the Ordinance really apply only to set times, and that the allocations for 2004 and 2005 must be pulled by 6/30/05? I understand this application has 30 that must be pulled, so what happens with the Ordinance?"

SP Linder explained that at the time of the application the R-2 (currently under discussion) was not applicable to this phase, but the applicant is now trying to get approval under Ordinance 1641 to shift units to the current request. She went on to explain that the projects which meet the provisions of Ordinance 1641 – which has a definite 'sunset date', and clarified which of the units meet the attached/detached requirements.

Chair Mueller opened the public hearing.

Rocke Garcia, 1000 Old Quarry Road, San Jose, provided the Commissioners with information which he said showed the project has gone through "significant historic changes", outside circumstances, and specific modified amendments since the project was first introduced. Mr. Garcia asked the Commissioners to review page 7 of the staff report. Mr. Garcia spoke on the attributes of the project: feathering, keeping larger lots on outside edge of City, and the fact that this project at the north end of City would have 133 units under phase 3. He noted that in his opinion, staff 'missed the count', and talked about detached units because of insurance.

Mr. Garcia said that the phasing is set 'because of the land's physical properties, explaining that 'this is the only project in the city with storm water running north and sewage running south', as he clarified the need for the lots developing the streets at the north when the dwellings are build. "The utilities are in at the south lots," he said. "One of the issues is that the General Plan indicates Tilton will be changed from a collector street to a standard street. "Now, there is a question if that may go back to collector street. It is important to know that as it is costly to put in street improvements, but in phase 6 all the curbs and gutters will be completed." Mr. Garcia responded to a question by indicating that the 'real issue' is that even though we are going to install the balance of improvements for the entire project in Phase 6, we must still go through Measure P competition for any additional units.

Mr. Garcia also spoke on the exterior elevations, the 100% detached units/insurance issues, and the four plans models in the architectural drawings further explaining the ability to have these models give the appearance of being detached, but changed to attached. He also spoke on the 'carriage houses'/BMRs and the development of the 'zipper lots'. Responding to a question from Chair Mueller, Mr. Garcia said, "We think we can readjust the phases to meet the requirement of the Ordinance; we are willing to

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work it out and we're also trying to make the project move progressively north."

Chair Mueller noted that at present the RPD has all stand alone units all the way through the project, and asking if those detached units could be modified to go away within 2 years? Mr. Garcia said, "Yes, and those would go away", explaining a plan for having common walls at the garages so they could become attached. "We can meet the building code." Chair Mueller and SP Linder addressed the different requirements of the building code and the Planning Commission requirements.

Mr. Garcia spoke on the issue of the day-care facility, saying those designated lots would not be developed at the present time. He continued by expressing concerns as to the viability of offering such a facility, noting that the need for childcare has decreased in the community by citing those daycare facilities who had run into financial difficulties.

Commissioner Lyle raised the issue of pulling permits by June 30, asking Mr. Garcia if he could do that? Mr. Garcia answered in the affirmative, saying, "We're sure going to try."

Other issues discussed with the applicant:

- open space
- square footage of the moderate rate houses
- need for recounting the number of units being requested (applicant indicated 133, application 138)
- BMRs (completed/locations)
- size of lots in the R-2 zoning areas
- requirements of Ordinance 1572
- the moderate rate units (sizes/prices) and requirements of the City
- need for continuity of project development
- the swimming pool (which the applicant said had 'gone away' in 1997; it was pointed out that this facility was still shown on a 2002 map)
- the number of single story dwellings proposed

With no others present indicating a wish to speak to the matter, Chair Mueller closed the public hearing.

Chair Mueller asked, if instead of taking action on the matter if it would be feasible to give direction to the staff, continue the matter to the next regularly scheduled meeting (three weeks hence), and then consider action on the subject following any clarification or changes.

Further discussion ensued regarding the need for the utilities to be in by September, as this is the deadline for the Regional Water Quality Control approval for installation of utilities.

Commissioner Escobar was excused at 8:00 p.m.

Mr. Garcia indicated agreement with the proposal of the continuation, saying he is willing to work with the staff to reach positive conclusion to the concerns raised.

CHAIR MUELLER DETERMINED THAT BY CONSENSUS THE

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COMMISSIONERS PRESENT WERE IN AGREEMENT WITH THE PROPOSED CONTINUATION.

Commissioner Escobar returned to his seat at 8:44 p.m.

Further discussion took place as Commissioners detailed specific issues for staff to review with the applicant, including:

- need for continuity of project development
- BMRs (how many have been completed and where the locations are)
- the number of single story dwellings proposed
- open space (and if the points previously awarded might be affected)
- square footage of the moderate rate houses
- recount of the number of units requested
- size of lots in the R-2 zoning areas
- requirements of Ordinance 1572 and if the request for detached units in is applicable
- the moderate rate units (sizes/prices) and requirements of the City
- other issues identified by staff in research and/or discussions with the applicant

COMMISSIONERS LYLE/ACEVEDO MOTIONED TO CONTINUE THE MATTERS OF THE ZONING AMENDMENT, ZA-04-01/ SUBDIVISION, SD-04-01/ DEVELOPMENT AGREEMENT, DA-04-01: TILTON-GLENROCK, TO THE NEXT REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION (APRIL 13, 2004) AND DIRECTED THE STAFF TO WORK WITH THE APPLICANT TO REACH RESOLUTION OF THE CONCERNS NOTED.

Commissioner Weston asked about the corridors off Tilton Avenue which are being provided, and if the Commissioners will have opportunity to condition the landscaping? Chair Mueller said discussions could be directed to staff on the matter. Commissioner Lyle said there are some cul-de-sacs which need attention. Commissioner Weston agreed, noting that trees, etc., would be appropriate.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

4) DAA-00-12: E. DUNNE-GREWAL

A request for approval to amend the development agreement for a four lot subdivision on a 1.6 acre parcel located on the north east corn of the intersection of Hill Rd. and E. Dunne Ave. The amendment request would extend the four building allocations for one year to march 30, 2005.

PM Rowe presented the staff report and reported on extensions. "This request is for an extension for one-year. Usually the extensions already granted have represented the maximum allowed. However, the right-of-way issues with the Water District, and also Fish and Game are still in the negotiation progress. He informed of the Hill Road section right-of-way issues, noting that the City has been asked to take over the maintenance requirements from the County. PM Rowe spoke of the issues involved such as drainage, etc. PM Rowe concluded by stating, "The applicant has been working diligently, but has

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had to deal with so many agencies, and the County has not been particularly diligent in working to achieve decision and resolution of the matter.”

Chair Mueller opened the public hearing.

Hans R. Mulberg, 16761 Oak View Ave., Engineer for the project, presented the update on what is happening with the agencies noted by PM Rowe. “I’ve never experienced so much trouble and so many issues before in trying to get a right of way squared away. Each department says they will not deal with the project until another department approves the plans. Due to the delays, the City has checked a fourth set of plans. I hesitate to work further on the project until we’re successful in getting the right-of-way straightened out. The County has suggested that the City annex Hill Rd,” indicating he disagrees with that proposition. Mr. Mulberg told Commissioners he has spoken with the Roads and Airports personnel, who say the County only wants to talk to the City. “So I asked SE Creer to talk to the County and SE Creer has done that, and now a Maintenance Agreement has been drawn up according to the requirements of Fish and Game, and if the Water District agrees, there should be chain reaction as the other agencies will go along with it. It will go to the City last to be accepted,” Mr. Mulberg declared. He continued by talking about the work he has done on the project, noting ‘this is just a little creek, but is a major roadside ditch as far as the water people are concerned’. Mr. Mulberg said he has to stop working (and charging the applicant) until he ‘gets something tangible’. “It’s been this way for four years,” he declared.

Responding to a question from Commissioner Weston, Mr. Mulberg said the applicant (Grewal) owns the property.

With no others present to address the matter, the public hearing was closed.

Chair Mueller asked SE Creer to comment on the matter. SE Creer informed that the maintenance agreement has been presented to the County Counsel once and approved, and then the agreement will go for vote of the Board of Supervisors. SE Creer noted that hopefully the matter would be approved, since the City will be doing the maintenance; it would help to solve many of the water problems in the area. SE Creer explained the possibility of the approval by the County being a ‘lengthy process’, suggesting a time frame might be inquired of his counterpoint at the County.

Commissioner Weston asked if the City is ‘OK’ with the plan.

Commissioner Engles left the meeting at 8:59 p.m. and returned at 9:05 p.m.

SE Creer explained the proposed changes, such as the installation of a 48 inch pipe which could be beneficial in alleviating the drainage problems of the area.

Commissioner Acevedo asked about identifying the ‘changing spot of government jurisdictions’ on Hill Road. SE Creer explained the markings on the pavement. SE Creer continued by explaining how a road that is split by different jurisdictions makes annexation difficult, and therefore causes maintenance agreements to be common.

Commissioner Weston asked, if in SE Creer’s opinion/experience, the Board of Supervisors would accept the maintenance agreement? SE Creer responded, “Yes, it’s

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just a formality, as the County is anxious for the City to take care of the maintenance of any dilapidated road.

Chair Mueller polled the Commissioners on the possibility of acceptance of an extension of time for this project. Commissioners Engles, Escobar, Lyle, and Weston noted agreement with the request for extension.

Commissioner Benich said he was troubled that, "This is the fourth time the Engineer has talked to us," saying he was not in favor of an extension.

Commissioner Acevedo informed that he had work done on his property in the same general area in the past and he had not experienced the obstacles which are being discussed. Commissioner Acevedo expressed concern that there seemed to be a high level of 'foot dragging' with this project and suggested the applicant and his engineer should be more aggressive in working with the Agencies involved.

Commissioner Escobar commented, he saw a difference in this process, noting that 'an opportunity to succeed has been presented'.

Chair Mueller said he was willing to give one more extension with a caveat that there would be no more.

Commissioner Lyle called attention to suggested dates on the agreement, saying he would not be interested in seeing the project up for an extension again, and that double fees be levied in accordance with City Ordinances if the extension was not met.

PM Rowe discussed building permit submittal requirements.

**COMMISSIONER LYLE OFFERED RESOLUTION NO. 04-34b,
RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT
AMENDMENT, DAA-00-12: E. DUNNE – GREWAL, WITH THE FINDINGS
AND CONDITIONS CONTAINED THEREIN, ALONG WITH THE
FOLLOWING MODIFICATIONS:**

Exhibit A:

Section II Site Review Application

(~~7-01-01~~)-(02-01-02)

Section IV: (Building permit submittal)

(11-30-04) 12-15-04

Section V: Building permits

(~~2-15-05~~) 3-30-05

Commence Construction:

(2-15-05) 6-30-05

(Exhibit A, 1st full paragraph): noting the change to one-year two months instead of six (6) months but retaining the double fees provisions.

**COMMISSIONER WESTON SECONDED THE MOTION WHICH PASSED
WITH THE FOLLOWING VOTE: AYES: ENGLES, LYLE, MUELLER,
WESTON; NOES: ACEVEDO, BENICH; ABSTAIN: NONE; ABSENT: NONE.**

OTHER

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BUSINESS:

5) APPROVAL OF SUPPLEMENTAL DISTRIBUTION FOR FY 2004-05 & FY 2005-06 BUILDING ALLOTMENT & APPROVAL OF PRELIMINARY DISTRIBUTION OF BUILDING ALLOCATIONS FOR NEW RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) PROJECTS IN FY 2004 - 05 SMALL AND MICRO PROJECT COMPETITIONS (FY 2005-06 ALLOTMENT)

PM Rowe began by stating that he had just received current information this date, consequently had prepared handouts so that the report could be conveyed directly. He presented the up-to-date handouts while providing explanations time frames and provisions of Measure C which has been approved by the voters. PM Rowe, in giving the details of Measure C, mentioned that this provides extension of the original Residential Development Control System (Measure E/P) to 2020 and caps the population at 48,000 thereby increasing the current total allocation from ~~180~~ 182; to 253 units. Consequently, there will be 73 *supplemental* (~~supplemental~~ including 2 units not used by an 04/05 affordable project) units available for 2004 – 05. The City Council and the Planning Commission determined previously that on-going projects should receive priority for the supplemental allocations, along with the proviso that higher scoring projects would be prioritized over lower scoring projects, PM Rowe indicated. Furthermore, those projects with commitments for 2005 – 06, must promise to pull permits by 6-30 05.

Regarding the projects making requests to the Commission for supplemental applications, PM Rowe reminded that as a result of the appeals during the last Measure P application process, the City Council had indicated that the Dempsey and Odishoo projects should be provided with measures of consideration. He then explained recommendations for preliminary (supplemental award) approval for Small and Micro projects. PM Rowe noted that the Vierra appeal is continuing to wend through the appeal process and that if the appeal is not successful, there is likelihood the application would be withdrawn and the allocations be redistributed.

PM Rowe presented the recommendations prepared by staff for the supplemental allocations, providing explanations for each. PM Rowe further indicated that the supplemental allocations for 2004 - 05 must, under the terms of the Measure C, be awarded by April, and so the Commissioners were required to act at this meeting on those requested 'Open Market' supplemental applications for award. Commissioner Lyle pointed out that the requirement described does not prohibit the Commission from acting on other requests. PM Rowe explained the provisions of proposed Resolution 04-35, as well as providing information on the Micro and Small allocation categories.

Chair Mueller explained the scoring of the Dempsey and Odishoo projects, reminding of the details of the appeals. Commissioners then engaged in discussion related to those projects, with PM Rowe providing the particulars of the direction from the City Council, which included concern of the appearance of bias to ongoing projects, and the appearance of not being fair to new projects. He noted the Commissioners and Councilmembers had 'struggled long and hard trying to consider variables of the appeals and the original applications.

Chair Mueller opened the public hearing.

Alexander Henson, 27880 Dorris Dr., #120, Carmel, appeared for the Odishoo project, and said he and the applicant endorse the staff recommendation. Mr. Henson elaborated on why the City Council told the Commission to consider the two projects (Dempsey and Odishoo) noting the projects had been so close point-wise and the superior qualities of the developments had caused Councilmembers to perceive a need for the projects. Mr. Henson said he thought the supplementals were a way for these projects to begin and

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agree with the City Council.

Commissioner Lyle noted the City is concerned about getting projects started on time. "Is the applicant working with a builder?" he asked. Mr. Odishoo was present and informed he has experience building commercial buildings and will be the builder of record here. Mr. Henson said the applicant is asked for the number of allocations he could use at present, but if that number increases in April, they would like more.

Susan Bernardini, 900 W. Main, said she has spoken to the City Council and Commissioners regarding the matter before, as she is co-owner of property fronting on much of the property under appeal in the Vierra application. She asked questions of the policy regarding the number of allocations in the Micro category and when/why deviation of the allocations were permitted. PM Rowe explained the '50 % rule' saying that because of the number of units available for award and past practice of the Commission and City Council, there is not heavy emphasis on the 20/80 split for allocation.

Commissioner Lyle clarified that past practice has dealt with Micros differently because of the location and sizes of the projects.

Mrs. Bernardini noted continuing objection to the Vierra project.

Bruce Tichinin, 17775 Monterey St., said he continues to represent Mr. Vierra, and agreed with staff that the matter is still under appeal. "We know that by the adoption of policy by the City Council if this appeal wins, the project gets allocations. If not, it doesn't," Mr. Tichinin stated.

Craig van Keulen, 17600 Monterey Rd., spoke on behalf of the Dempsey application, saying he endorses the staff recommendation. Mr. van Keulen gave the virtues of the project, saying, "It represents infill and deserves allocations to get started."

Commissioner Lyle asked if the applicant has a builder? Mr. van Keulen responded, "Yes, but I'm not allowed to name that builder, but the company has built in the City before."

Commissioner Lyle asked Vince Burgos, 370 Castanada Ave., San Francisco if he continues to work with the developer(Dempsey) and whether his firm has been working with local developers. Mr. Burgos said he was involved with the project and indicated he is working with a neighbor and the City for annexation.

Commissioner Lyle continued by noting the applicant has asked for 12 units in the first year, and inquiring of Mr. Burgos if that can be done? Mr. Burgos responded he didn't believe that would present a problem, and saying "We are comfortable with the need for completion of pulling permits and commencing construction during the two year period."

With no others present to address the matter, Chair Mueller closed the public hearing.

Regarding Resolution No. 04-35, indicating the allocation of the 'supplementals' for FY 2004 - 05 , Chair Mueller asked that since the election hasn't been certified yet, should this be conditional pending that certification? PM Rowe and the other Commissioners

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noted this to be the case.

COMMISSIONER LYLE OFFERED RESOLUTION NO. 04-35, CONTINGENT ON CERTIFICATION OF MEASURE C BY THE CITY CLERK OF MORGAN HILL, APPROVING THE SUPPLEMENTAL DISTRIBUTION OF THE BUILDING ALLOTMENT IN THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM OPEN/MARKET COMPETITION FOR THE FISCAL YEAR 2004- 05. COMMISSIONER ACEVEDO SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, LYLE, MUELLER, WESTON; NOES: WESTON; ABSTAIN: NONE; ABSENT: NONE.

Commissioners then turned attention to Resolution No. 04-36 (allocations for FY 2005-06)

Commissioner Lyle said that even with the responses to his questions, he is concerned with 12 allocations to Cochrane/Borello. "I would be more comfortable with other allocations being given to other projects. With the small projects receiving allocations in FY 2006 - 07, and the set-asides needed for downtown, we could perhaps avoid a *small-project* competition for FY 2006 – 07.

Commissioner Weston indicated concern about the ability of the ~~Dempsey~~ Borello project to meet the requirements of the allocations. Commissioner Lyle commented that he 'always has concerns about small projects and especially a developer who is new to the process being able to start 12 units in the allotted time. Commissioner Weston said his concerns are elevated in the case(s) of the Dempsey and Odishoo projects.

Chair Mueller introduced the notion of giving more allocations than originally asked for by the Borello project. PM Rowe explained the terms of that application.

Discussion ensued about potential allocations to the applicants who had made requests. Chair Mueller noted that at the end of FY 2005 – 06, the Housing Element 'cuts off' (is completed) so it would be very important for designated units to be completed. PM Rowe was asked to comment on the Housing Element and the requirements of ABAG for construction.

Commissioner Lyle talked about increasing the back log of unfinished projects if the Commission gives some of the supplemental allocations to start the ~~Dempsey~~ Borello and Odishoo projects.

Chair Mueller responded, "If those two projects can get started, it would head the City in the 'right direction' for type of housing needed."

The various applications for supplemental allocation awards were discussed. It was ascertained:

that the staff recommendations for FY 2004 – 05 be left unchanged;

for FY 2005 – 06, supplemental awards would be as follows:

Borello would be \$ 1

Tilton/Glenrock 4

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these adjustments would not cause change in the ~~culminate~~ *cumulative* numbers of allocations for that fiscal year.

for FY 2006 – 07, supplemental awards would include:

Borello 3 + 4 >> total 7

increasing the total number of allocations for this fiscal year from 71 to 75

**COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 04-36,
APPROVING THE SUPPLEMENTAL DISTRIBUTION OF THE BUILDING
ALLOTMENT IN THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM
OPEN/MARKET COMPETITION FOR THE FISCAL YEAR 2005-06, WITH
THE FOLLOWING MODIFICATIONS:**

**FOR FY 2005 – 06, SUPPLEMENTAL AWARDS WOULD BE AS
FOLLOWS:**

- **BORELLO ~~5~~ 1**
- **TILTON/GLENROCK 4**
- **THESE ADJUSTMENTS WOULD NOT CAUSE CHANGE
IN THE CULMINATE NUMBERS OF ALLOCATIONS
FOR THAT FISCAL YEAR.**

FOR FY 2006 – 07, SUPPLEMENTAL AWARDS WOULD INCLUDE:

- **BORELLO 3 + 4 >> TOTAL 7**
- **INCREASING THE TOTAL NUMBER OF ALLOCATIONS
FOR THIS FISCAL YEAR FROM ~~71 to 75~~ 60 to 71**
- **25 SUPPLEMENTAL ALLOCATIONS ARE RESERVED
FOR THE SOUTH COUNTY HOUSING PROJECT FOR
~~2005/06 2006/07~~**
- **NOTATION THAT THE AWARD(S) IS DEPENDENT ON
CERTIFICATION OF THE ELECTION**
- ***THE COYOTE ESTATES PROJECT WAS AWARDED 12
SUPPLEMENTAL ALLOTMENTS FOR A TOTAL OF 20 TO
COMPLETE THE PROJECT***

**COMMISSIONER LYLE MOVED TO SECOND THE MOTION WHICH
PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS
PRESENT.**

PM Rowe, responding to a question from Commissioner Weston, explained the process for certification and ABAG requirements.

ANNOUNCEMENTS: PM Rowe announced City Council actions of the March 17 meeting when approval was given for the Barrett/Ditri project with the requirement that the applicant work with the Church and the City placement of the sound-wall for noise mitigation. The Council also approved the final phase of the Warmington Homes project and approved zoning for the project as recommended by the Commissioners.

Commissioners were reminded of the upcoming Planners Institute conference in Monterey for Planning Commissioners by the California League of Cities.

ADJOURNMENT: There being no further business, Chair Mueller adjourned the meeting at 10:14 p.m.

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MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

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